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**Legal Case-notes July 2019**

Feedback Please! Any Feedback? Drop us a note!

We would appreciate comments and suggestions from members on content, format or information about cases that might be of interest to members but may have not been reported in "Your Environment".

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**Summaries of cases from Thomson Reuter's "Your Environment".**

This month we report on five court decisions covering diverse situations associated with subdivision, development and land use activities from around the country;

- The final EC Decision on an appeal against consent granted by Dunedin City Council to a subdivision at Papanui Inlet on Otago Peninsula;
- An unsuccessful application by an applicant for costs relating to an appeal against a decision of Queenstown Lakes District Council to grant partial consent to a subdivision near Hawea Flat;
- An appeal seeking judicial review of a decision of the Independent Hearings Panel for the Auckland Unitary Plan on several submissions and the failure to provide adequate reasons for the decisions on zoning and rules for an area of land at Takapuna;
- An appeal relating to a proposed new access road to a property near Lake Hayes;
- The EC consideration of a procedural challenge to the status of a court issued minute that was critical of Canterbury Regional Council's process on an appeal about proposed filling of a former quarry pit.

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**CASE NOTES July 2019:**

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**Granger v Dunedin City Council** _ [2019] NZEnvC 82

***Keywords: subdivision; effect adverse; activity non-complying; evidence***

This appeal concerned a proposal to create an eight-lot subdivision with building platforms on four of those lots. The sites to be used for residential purposes were considerably smaller than the minimum size provided under the proposed and operative district plans. In *Granger v Dunedin City Council* [2018] NZEnvC 250 ("the interim decision"), the Court declined to give a substantive decision on the appeal because it was not satisfied that it had a proper understanding of the level of effects on the environment that could ensue from the proposal. The applicant Peninsula Holdings Trust ("PHT") was directed to propose amendments to critical conditions in the subdivision consent responding to the issues raised by the Court and to provide expert evidence confirming the content of the conditions. PHT had filed memoranda, and sought an extension for filing supplementary evidence. The Court had issued a Minute expressing concern about the delay and observing that this could be seen as an abuse of the Court's process. PHT was directed to file supplementary briefs of evidence in response to the matters raised in the interim decision by 3 May 2019. PHT was informed that if evidence was not filed in accordance with the Court's directions, the Court would proceed to decide the appeal on the evidence filed at the conclusion of the 2018 hearing.

The Court stated that PHT had not responded as directed in the interim decision. The Court was unable to satisfy itself pursuant to s 104D of the Act, that the adverse effects of the activity on the environment would be minor or that the application was for an activity that would not be

contrary to the objectives and policies of the relevant plans. The Court upheld the appeal and refused consent pursuant to s 104B of the RMA. Costs were reserved.

Decision date 21 May 2019 _ Your Environment 11 June 2019

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**Cossens v Queenstown Lakes District Council** _ [2019] NZEnvC 80

***Keywords: costs***

This was an application for costs by Dr J Cossens ("C") against Queenstown Lakes District Council ("the council") and the Upper Clutha Environmental Society Inc ("UCESI"). The proceeding concerned an appeal by C against a decision of the council in relation to a subdivision proposal at 964 Lake Hawea-Albert Town Rd. The council granted consent for Lots 1 and 2 but declined for Lots 3 and 4, instead requiring that those lots be held together. C appealed the decision in relation to Lots 3 and 4 to the Environment Court. The Court had issued an interim decision declining to grant consent for a four-lot subdivision with three building platforms under the applicant's Option B but granted it under the applicant's Option A subject to further conditions as directed by the Court.

C sought costs of $119,703 being 100 per cent of costs incurred in relation to the appeal, including filing fee, mediation and hearing. C argued that he had no choice but to appeal the decision to decline Lot 3 because it was based on an incorrect application of assessment matters by both the council officers, expert witnesses and the Commissioners. C considered that the council carried the greatest responsibility in the way it handled the application and considered that the share of costs should be 75 per cent to council and 25 per cent to UCESI. The council argued that an award was not appropriate. UCESI submitted that it did not raise specious or unmeritorious legal matters, that it properly pursed a matter of public interest and there was no merit in the application for costs.

The Court stated that C seemed to be raising some matters in his application for costs which were more suitable for and relevant to argument in proposed district plan hearings and these were irrelevant. The Court stated the council successfully defended its decision to decline a building platform on Lot 3 under Option B. The Court declined to make an award against the council. Further, the Court found that UCESI did not advance an argument without substance, and its case was focused on retaining the landscape values of the district. UCESI had conducted its appeal in a reasoned, efficient and responsible manner. It was inappropriate to make any award against UCESI. Costs were to lie where they fell.

Decision date 20 May 2019 _ Your Environment 11 June 2019

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**Belgiorno-Nettis v Auckland Unitary Plan Independent Hearings Panel**_[2019]NZCA 175

***Keywords: Court of Appeal; judicial review; leave to appeal; district plan; zoning; building height; council procedures; submission***

F Belgiorno-Nettis ("B-N") appealed against the refusal by the High Court, in its decision of 29 September 2017, to grant judicial review. B-N also applied for leave to appeal against the High Court's dismissal of B-N's appeal. The matter concerned the Auckland Unitary Plan ("AUP"). B-N challenged the recommendations by the Independent Hearings Panel ("IHP") to Auckland Council ("the council") and the council's decision based on those recommendations. The basis of the challenge was that neither the IHP nor the council gave reasons or adequate reasons for the recommendations and the decision.

The Court of Appeal reviewed the AUP process and the function of the IHP, as set out in the Local Government (Auckland Transitional Provisions) Act 2010 ("the Transitional Provisions Act"). The Proposed Auckland Unitary Plan, notified for submissions on 30 September 2013, was accompanied by a report evaluating it, which included topics relating to urban form, land supply, zoning and building heights. At issue in the present proceedings was the zoning and building height limits in relation to the Promenade Block and the Lake Road Block in Takapuna ("the Takapuna areas"). B-N made submissions to the IHP relating to the proposed zoning and building height controls for the Takapuna areas but did not succeed in his submissions, which were aimed at limiting the density and height in such areas. In its decision of 29 September 2017, the High Court concluded that neither the IHP nor the council erred in their interpretation of the Transitional Provisions Act and found that the IHP was not required to address submissions in any more detail than was appropriate to explain its reasons in relation to groups

of submission topics. The High Court further found that the requirements of natural justice had been observed.

The Court of Appeal stated that the issue in the present proceeding, which was whether the High Court was right in concluding that adequate reasons were given by the IHP for its conclusions, involved a consideration of: the duty of the IHP to give reasons in the circumstances; what reasons if any were in fact given by the IHP; and whether they were adequate. The Court reviewed the relevant case authority which established that, although there was no invariable rule in New Zealand, outside specific legislation, that courts must give reasons for their decisions, where a body was acting in a judicial or quasi-judicial role the provision of reasons could be seen as an aspect of open justice. The Court noted that open justice was critical to the maintenance of public confidence in the court system and that if no reasons were given the right of appeal was rendered ineffective. In the present case such common law position was reflected in s 144(7)-(10) of the Transitional Provisions Act which expressly placed upon the IHP the duty to give reasons: s 144(8)(c) of that Act provided that while submissions might be grouped, the reasons for accepting or rejecting submissions "must" be included. The function of the IHP was quasi-judicial and rights of appeal from its recommendations were circumscribed by statute. This meant in practical terms that the merits of a submission would be considered only once. The Court now stated that such very limited rights of appeal weighed in favour of the giving of discernible reasons. Distinguishing the case authorities relied on by the council, the Court stated that B-N was not disputing the grouping by the IHP of submissions and reasons; he was arguing that there were no reasons at all. The Court found that there was still a duty to give reasons for accepting or rejecting submissions on a topic, even grouped submissions and disagreed with the High Court Judge on this point, finding that some articulation of the IHP's thinking was required. A reader should understand why a decision such as zoning and height levels for a significant block of land had been made. It may be in short form, but the "why" should be stated.

The Court then examined what reasons were in fact given by the IHP in the Overview Report and stated that, contrary to the assumptions made by the High Court, general statements of principle in that document did not provide any sort of reason for the acceptance or rejections of a specific submission or group of submissions. The competing evidential positions on the Takapuna areas were not mentioned at all. There was insufficient material to be able to say why the IHP made its recommendations concerning those areas. Further, while accepting that the process by which the IHP considered submissions was on its face proper and thorough, a statement by the IHP that submissions had been taken into account could not be seen as the provision of reasons and certainly could not satisfy the underlying transparency policy requirement. The Court concluded that there were no reasons given for the IHP recommendations on the Takapuna areas.

The Court of Appeal accepted that the task facing the IHP was "massive". However, it did not accept that if a task required by Parliament was extremely difficult, an unambiguous legislative direction could be ignored. Under s 144(8) of the Transitional Provisions Act, reasons "must" be given for accepting or rejecting submissions. It was easy, given the common law on the issue, to see why such a requirement was imposed and it was not possible to read the section as requiring anything less than the giving of reasons. In any event, the Court did not accept that the giving of reasons was impossible or impracticable in the circumstances. The Court was clear that the practical difficulties did not entitle the IHP to ignore the legislative requirement to give reasons. There had been a reviewable error by the IHP. Accordingly, the Court allowed the appeal and upheld the essential ground upon which the application for judicial review was based, namely that there was a failure to give reasons. This was an error of law and was procedural unfairness.

Regarding relief, the Court concluded that the interests of justice could be met by the IHP being required to provide its reasons for its recommendations on the submissions made by B-N on the zoning and height requirements for the Takapuna areas.

The appeal against the refusal to grant judicial review was allowed. The application for judicial review was granted. The application for leave to appeal was declined. B-N as the successful party was entitled to costs, on a band A basis.

Decision date 11 June 2019 _ Your Environment 13 June 2019.

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**Beadle v Queenstown Lakes District Council** _ [2019] NZEnvC 92
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***Keywords: road; resource consent; effect; district plan***

P, J and S Beadle ("the appellants") appealed against the resource consent granted by Queenstown Lakes District Council ("the council") to Waterfall Park Developments Ltd ("WPDL") for the construction of a new access road ("the proposed road"). The proposed road was to provide access for an area of land known as Waterfall Park ("the land") to and from Lake Hayes-Arrowtown Road ("the main road").

The Court noted that the proposed Queenstown Lakes District Plan provided for a Waterfall Park Resort Zone ("WPRZ"), with objectives, policies and rules and a related structure plan, and that this was now to be treated as operative. The application was for a discretionary activity and so was considered by the Court under s 104 of the RMA. The proposed road would have a two-way sealed carriageway and connect with the main road at a new T-intersection and would include a pedestrian and cycle path together with associated landscaping. The appellants' dwelling was on an elevated site, approximately 130 m from the proposed road, at its closest point. An avenue of listed protected heritage trees ran from the main road to the Ayrburn Farm homestead and associated buildings, which had a heritage listing. Near the homestead was the Mill Creek, which flowed ultimately into Lake Hayes.

The Court considered the expert evidence regarding traffic, engineering and geotechnical design, surveying and road design, ecology, landscape and visual effects, and planning. The issues raised by the appellants were: that adverse effects, including landscape character effects on public views and amenity effects on the appellants' home, were significant; that the proposed road should be considered as an integrated proposal along with any future development plans at the land by WPDL, and not as a stand-alone project; and WPDL should rely on the existing access road, or an alternative new route. The Court found, as a preliminary and procedural issue, that there was no valid resource management reason to adjourn the present appeal, under s 91 of the RMA, pending the determination of the appeal against the grant of consent for a hotel development, a non-complying activity within the WPRZ. On the basis of its evidential findings, the Court was satisfied that the proposed road was properly to be considered on a stand-alone basis. Furthermore, the Court found that the proposed road was not governed by the WPRZ and accordingly, insofar as the WPRZ structure plan depicted a road within the zone, that had no relevant legal consequence for where the proposed road might be located.

The Court considered whether the design of the proposed road was suitable in traffic and engineering terms, and concluded that it was, with the change that a condition be included to provide for traffic calming and speed treatment. Regarding the ecological effects of the proposed road on Mill Creek, the Court found that the proposal was reliably informed of the Creek's ecology and the related consent conditions were appropriate. Further, the positive effects included that the enhancement works would assist the preservation of the natural character of Lake Hayes and Mill Creek and protect the Creek and its margins from inappropriate use and development, according with s 6(a) of the RMA. The Court accepted evidence that the proposal would also assist in protection of ss 6 and 7 values.

Turning to assess whether there would be significantly adverse landscape and visual amenity effects, the Court considered the relevant operative and proposed district plan provisions and found on the evidence that the proposed road would not give rise to significantly adverse landscape effects. While it would result in some change to landscape character, and affect an already modified landscape to a degree, the natural and arcadian landscape character would remain dominant. Regarding the visual and other amenity effects of the proposal, the Court was satisfied that the residential amenity effects would be maintained and that, although the appellants and other residents would experience a noticeable change to their current open pasture views, the RMA and planning instruments did not require that amenity values be maintained in order for consent to be granted. Rather, the Court stated that the proposed road was a discretionary activity and the RMA and planning instruments allowed greater flexibility in the consideration of competing considerations. The Court found that the residential amenity values would in all other relevant respects be maintained and that the amenity visual effects were tolerably acceptable and would be mitigated to a degree by planting.

Accordingly, the Court found that the proposal in its location and design had acceptable effects and sat comfortably with the relevant planning instruments. Granting consent would assist to promote the RMA's purpose. Further, it was not necessary to consider alternatives. The Court accepted WPDL's submissions on conditions and disallowed the appeal. Costs were reserved.

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**Selwyn Quarries Ltd v Canterbury Regional Council** _ [2018] NZEnvC 139

***Keywords: procedural; jurisdiction***

The Environment Court considered an application by Canterbury Regional Council ("the council"), supported by Selwyn Quarries Ltd ("SQL"), that the Court recall its Minute of 13 July 2018 ("the minute"). The grounds for the application were that the Court had in the minute unfairly criticised the council and impugned the integrity of an expert witness for SQL.

The matter concerned resource consents sought by SQL from the council relating to works to deepen and backfill part of an existing quarry at 48 Selwyn Rd. Submitters to the application, who included J Turpin ("T"), raised concerns about the potential contamination by the proposal of aquifers used by local residents for drinking water. In August 2016 commissioners for the council declined consent, citing the risks of contamination of aquifer-sourced water which was one of Christchurch's "most precious natural resources". SQL appealed to the Environment Court and T joined the proceedings under s 274 of the RMA. The matter went to mediation, from which emerged a memorandum, which T refused to sign, by which the other parties agreed that the conditions would avoid, remedy or mitigate any adverse effects of the proposal. The Court considered itself unable to make any order until the position of T, the "holdout party", was resolved. The Court directed the council to lodge its report on the application. The council responded that it had not prepared such a report. The Court then directed the council to commission and lodge reports dealing with T's concerns. The council duly lodged reports by Dr S Scott and Ms J Todd. The Court requested an amplified risk assessment be prepared by the council, but the council declined to do so. The Court then issued its minute. The minute stated that council found itself in an "apparently rather embarrassing position", having agreed to a consent memorandum without having prepared reports on the matter and the supplying "inadequate reports" which did not address the risk to the city's drinking water. The minute further referred to the expert witnesses of the council as "hired gun" experts. The application for recall of the minute followed.

The Court first considered whether it had jurisdiction to recall a procedural direction, under ss 269 or 278 of the RMA or under the District Court Rules 2014. The Court addressed the issues of whether the minute was a "judgment" and the consequences of the minute having been sealed. The Court found no impediment to the present application. The Court then considered whether the council was unfairly criticised in the minute. In this regard the Court reviewed: the duties of a consent authority when an application was changed after an appeal was lodged; the duties of a consent authority when signing an amended consent memorandum; the duties of the consent authority when it changed its mind about pursuing a consent memorandum and/or wished to revert to a standard defended hearing approach; and whether the council at first sight had complied with its duties. The Court concluded that in the interests of fairness the consent authority when changing its mind should give reasons for its new decision. The Court accepted that its criticisms in the minute were "rather blunt". However, it still had reasonable doubts about the completeness of the council reports regarding the proposal and such doubts should be reasonably satisfied before the Court endorsed the memorandum. Regarding the "hired gun" experts comment made by the Court in the minute, the Court stated its purpose was to describe the perception from the s 274 party, T, and was not meant to apply to any particular expert. However, the Court accepted that the minute was a little hard on Dr Scott and had apologised for that. The Court stated that its relatively blunt language fell well short of justifying a recall of the minute. The Court declined to recall the minute.

Decision date 17 September 2018 Your Environment 18 September 2018

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This month's cases were selected by Roger Low, rlow@lowcom.co.nz, and Hazim Ali, hazim.ali@aucklandcouncil.govt.nz.

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**Other News Items for July 2019**

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### Bill to set up urban development authority introduced

Housing and Urban Development Minister Phil Twyford has announced that legislation to set up the Government's urban development authority - Kainga Ora-Homes and Communities - has been introduced to Parliament on Wednesday 29 May.

Phil Twyford said Kainga Ora-Homes and Communities will be the Government's lead developer for urban development. It will bring together three existing agencies; Housing NZ, its development subsidiary HLC, and the KiwiBuild Unit.

Kainga Ora will be established through two separate pieces of legislation. The Bill introduced on Wednesday 29 May will bring together the three agencies. A second Bill later this year will give Homes and Communities its enabling development powers.

Following the select committee process, the first Bill is expected to pass later this year, with Kainga Ora-Homes and Communities up and running on October 1.

Please click on the link for the full statement: media release

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### New $40m hotel opens in Christchurch

*The New Zealand Herald* reports that the newly constructed Sudima Hotel has opened in Christchurch. The hotel cost $40 million to build, has 87 rooms and is rated five star. Read the full story here.

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### Fears of radioactive leakage in Marshall Islands

*Radio New Zealand* reports that the Pacific Island Forum had demanded an independent audit of a concrete nuclear dome used to store nuclear waste on an island in Enewetak Atoll after the atomic bomb tests in the 1950s and 1960s. Concerns have been raised that the 18-inch dome is leaking radioactivity. Read the full story here.

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### Government considering imposing royalty on bottled NZ water exports

*Radio New Zealand* reports that the Prime Minister says the Government is trying to find a way to provide commercial benefit to New Zealand for the precious water resource being bottled and sent offshore. However, Aotearoa Water Action spokesperson Peter Richardson says the difficulty in imposing a levy or royalty is that it would offend trading partners, especially China, and the best solution was to impose a moratorium on water exports. Read the full story here.

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### Auckland Transport pass responsibility for unsafe carpark to Auckland Council

*Stuff* reports that responsibility for the safety and redevelopment of the Clonbern Rd carpark in Auckland's Remuera has been transferred to Auckland Council's Panuku Development by Auckland Transport (AT), which previously had responsibility for the carpark. The upper deck was closed in March this year by AT because of safety concerns about weight-bearing capacity. The closure has upset local residents and businesses. Read the full story here.

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### QLDC consent to discharge called "permission to pollute"

The *Otago Daily Times* reports that the recently-notified application for consent by Queenstown Lakes District Council to discharge wastewater overflows to water and land for a period of 35 years has been criticised by a regional councillor. However, district council planning engineer Mark Baker said that if the wastewater overflows are not permitted to occur, there was a risk wastewater could "blow back" into private property. Read the full story here.
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### Ireland launches climate action strategy for next decade

*The Irish Times* reports that the Irish Government has launched its climate action strategy with plans for the next decade including: the introduction of 1 million electric cars, and deterring fossil-fuelled vehicles; phasing out of coal, oil land peat-based heaters; moving to renewable energy generation; increases in afforestation; changes in farming practice; and the elimination of single-use plastics. Under the strategy, every public body will be given a climate action mandate. Read the full story here.

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### Dunedin CC votes for protection of Foulden Maar

The *Otago Daily Times* reports that Dunedin City Council has voted to protect and preserve the fossil heritage at former crater lake Foulden Maar, near Middlemarch, Otago. Plaman Resources wants to mine the land for diatomite, to be used for animal feed supplements. Read the full story here.

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### Auckland's $1b Commercial Bay tower delayed further

*The New Zealand Herald* reports that the redevelopment of the former Downtown centre in Commercial Bay, under construction by Fletcher Building, will be delayed further and will cost millions more than previously forecast by developer Precinct Properties New Zealand. Read the full story here.

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### Wellington Central Library building's future still uncertain

*The Dominion Post* reports that Wellington Mayor Justin Lester has acknowledged that it may be several years before the city's Central Library, which closed in March this year due to earthquake-risk concerns, would be restored or demolished and replaced. Read the full story here.

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### Fullers Waiheke ferry service to be reviewed by Transport Ministry

*Radio New Zealand* reports that the review of the national public transport system will include an examination of the service on the Fullers Waiheke ferries. Concerns have been raised by residents of the island, who depend on the service, that they are often unable to gain a place on the ferries. Minister Phil Twyford said it was unclear why the service had an exemption from the Public Transport Operating Model. Read the full story here.

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### Whanganui DC to borrow $12m to develop port

*The New Zealand Herald* reports that district councillors in Whanganui have approved the 2019-20 annual plan which includes taking on borrowings of over $12 million to fund the redevelopment of Whanangui's port. Read the full story here.

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### Proposal to develop Oamaru Harbour to go to public consultation

The *Otago Daily Times* reports that Waitaki District Council's Neil Jorgensen that the public will be asked for feedback about the council's long-term plans for Oamaru Harbour, which will cover issues of historic heritage, development opportunities, transport and parking, ecology and environmental management. Read the full story here.

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### QLDC to consider planning changes for development of Ladies Mile

The *Otago Daily Times* reports that a new structure plan for the future development of the Ladies Mile area will be considered by Queenstown Lakes District Council this week. A special housing area proposal for the land was rejected by the council in 2016. Read the full story here.

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### $20m expansion of marina for Port Marlborough
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*Radio New Zealand* reports that resource consent has been granted to Port Marlborough for the $20 million expansion of the marina at Waikawa, near Picton. When the works are completed the total number of berths for recreational craft will total over 860. Read the full story here.

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### Hamilton hospital buildings deficient in fire-protection

*Radio New Zealand* reports that several hospital buildings in Hamilton, throughout the Waikato District Health Board area, have defects in fire protection and so do not hold warrants of fitness. Read the full story here.

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### Providers struggle to meet demand in insulation rush

*Radio New Zealand* reports insulation providers are unable to meet demand from a large number of landlords wanting rental properties insulated by the government's deadline of 1 July. From that date, all rental properties must have floor and ceiling insulation where possible, and failure to insulate will be subject to a penalty of up to $4,000 if the tenant applies to the Tenancy Tribunal.  - Read the full story here.

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### Logging company pleads guilty to RMA offences affecting Tolaga Bay

*The Gisborne Herald* reports that Hikurangi Forest Farms has admitted it discharged forestry waste last year which, during flooding, caused severely damaging deposits of logs and debris in the Tolaga Bay area. Ten other companies charged in relation to the offending have pleaded not guilty. Read the full story here.

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### Justice Minister: Canterbury Earthquakes Insurance Tribunal launched

The Wellbeing Budget has provided a fair, flexible and cost-effective way for Canterbury homeowners to resolve their outstanding insurance claims relating to the 2010 and 2011 Canterbury earthquakes, with the launch of the Canterbury Earthquakes Insurance Tribunal said Justice Minister Andrew Little on 17 June 2019.

"This is great news for the tired and frustrated Canterbury homeowners who are still waiting for a resolution to their insurance claims from these earthquakes," said Andrew Little.

"The Tribunal gives flexibility. It will be a very human and accommodating process that gives us a much better chance of bringing resolution and conclusion to these difficult claims," Andrew Little said.

Cases can be transferred from the High Court to the Tribunal and homeowners can choose to have a representative to receive communications for them, an advocate who can speak on their behalf, and a support person to accompany them to all Tribunal at conferences and hearings.

The Tribunal is located in Christchurch and is chaired by former District Court Judge, Chris Somerville.

"It is my great pleasure to announce Chris Somerville in this role. All parties participating in the Tribunal - homeowners and insurers alike - can feel confidence in the process, given Chris' experience in insurance law and expertise in mediation."

- Please click on the link for full statement -media release

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### Falls Dam irrigation proposal stalled because of water uncertainties

The *Otago Daily Times* reports that the $60 million-$70 million Falls Dam irrigation project has been mothballed due to uncertainties about Central Otago water issues and central Government policy concerning irrigation. Read the full story here.

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### Hawke's Bay council aims for zero waste

*Hawke's Bay Today* reports that the Mayor of Hastings District Council, Sandra Hazlehurst, has issued a statement saying that her council supports the regional declaration of a climate change

emergency and, together with Napier City Council, is working towards reaching zero waste through the councils' Joint Waste Management and Minimisation Plan. Read the full story here.

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### Auckland mayor calls for urgent changes to Building Act to fund leaky homes costs

*Radio New Zealand* reports that Phil Goff, as part of Auckland Council's submissions on the reform of the Building Act, has proposed that there should be introduced a compulsory insurance or warranty system, together with a mandatory building products register, so that councils in future don't have to pay for weather tightness issues in buildings. Read the full story here.

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### Calls for landlord licensing scheme

*The New Zealand Herald* reports Property Managers Institute chairperson Karen Withers is calling for a licensing scheme for landlords, amid revelations one Auckland landlord continues to have tenants despite being fined almost $180,000 for flouting tenancy laws. - Please click here for the full story.

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### New coal mine approved in Queensland

The *Brisbane Times* reports that the proposed Carmichael coal mine, planned by Adani Mining company, has been approved by the Queensland state government and will produce 60 million tonnes of coal per annum. The Department of Environment and Science accepted Adani's groundwater dependant environmental management plan, which has been criticised by Australian groundwater scientists concerned about the potential impacts of the mine on a group of ancient desert springs.  Read the full story *here*.

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### Queenstown high school building expansion approved

The *Otago Daily Times* reports that the construction of the extension of Wakatipu High School has been approved to go ahead, and the building works will shortly go to tender. Read the full story here.

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### Wellington CC has no record of any consents granted to the fire-ravaged Tapu Te Ranga marae building

*Radio New Zealand* reports that Wellington City Council's Richard Maclean says that it seems that the construction of the Tapu Te Ranga Marae buildings was undertaken without any council consents. The Marae which was the subject of several dangerous building notices was destroyed by fire recently.  Read the full story here.

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### Alarm about nitrate levels in human drinking water in NZ

*Radio New Zealand* reports that Canterbury medical officer of health Alistair Humphrey says New Zealand should undertake a study like that just completed in Denmark which found a correlation between nitrates in human drinking water and the incidence of colorectal cancer. This was because New Zealand has high and increasing levels of nitrates and also has relatively high rates of colorectal cancer.  Read the full story here.

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### Build-to-rent considered by Housing Minister

*Radio New Zealand* reports that Phil Twyford has explored in his address to a select committee the concept of commercial investors building apartments on Crown land to cater to a build-to-rent market. The Minister said he would be taking the proposal to Cabinet soon. Read the full story here.

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### 900 dams to be investigated for safety

The *Otago Daily Times* reports that the Ministry of Business, Innovation and Employment will be reviewing over 900 dams in New Zealand in order to produce new safety regulations which will aim to adopt a consistent approach to dam safety and to protect people, property and the the environment from the risk of dam failure. Read the full story here.

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### Kiwi in UK property dispute with ex-lover seeks NZ hearing

*The New Zealand Herald* reports New Zealand physiotherapist Hamish Hurley is at the centre of a London court battle with his former lover Mandy Gray, over a $39 million fortune, including ownership of a New Zealand farm, and fighting to have his case heard in New Zealand, where property law treats partners as though they were married and tends to see assets divided equally after a separation. Ms Gray claims to be the sole owner of some $39 million of assets they bought while together, while Mr Hurley is arguing they are jointly owned. - Read the full story here.

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### Auckland Council to be held to account on climate change declaration

*Radio New Zealand* reports that the Waitemata Low Carbon Network has stated that Auckland Council, having voted to declare a climate change emergency, will now be held to account for its actions, while Greenpeace spokesperson Gen Toop said the declaration must be followed up by central government policy to reduce greenhouse gas emissions. Read the full story here.

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### US bulk retailer Costco plans to construct new $90m centre north of Auckland

*Radio New Zealand* reports that the world's second biggest bulk-buy retailer Costco is applying for consents from Auckland Council to build a store at the Westgate shopping complex in North West Auckland. The 14,000 square metre warehouse planned by Costco will cost around $90 million. Read the full story here.

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### Fonterra's concerns about effect of ban on oil and gas exploration on its emissions reduction plan

*Radio New Zealand* reports that Fonterra, which has committed to reduce its greenhouse gas emissions by 30 per cent in the next decade, has told the Ministry for Business Innovation and Employment that the government's embargo on offshore oil and gas exploration might mean that Fonterra will have to review its plan to reduce the use of coal at its factories. Read the full story here.

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### Wellington CC's development plans for Basin Reserve still uncertain

*The Dominion Post* reports that, three years after the Basin flyover proposal was rejected, Wellington City Council is no nearer to a definite solution to the issue of traffic congestion at the Basin Reserve, although Wellington Mayor Justin Lester has said that a tunnel under Sussex St was likely. Read the full story here.

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### Marine Mammal Threat Classification Report revises threat status of southern right whale

*Radio New Zealand* reports that a marine mammal biologist in the Department of Conservation says that the latest data which shows that the threat status of the population of southern right whale has improved from "threatened and nationally vulnerable" to "at risk" means that the recovery of the species since the stopping of industrial whaling is continuing. Read the full story here.

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